School Law News

January 2011 Volume 39 Issue 1

Craft Anti-Bullying Policies that Comply with Federal Disability Laws

- 1. "Districts must identify whether a reported bullying incident, no matter how it is labeled, amounts to unlawful disability discrimination and, if so, respond in a manner that accords with Section 504 and Title II of the ADA."

 Dear Colleague Letter, 55 IDELR 174 (OCR 10/26/10).
- 2. To be in compliance, District/Charter schools, should examine bullying conduct to determine if it also constitutes a disability discrimination complaint. Be aware that such conduct may require a more comprehensive response than what is outlined in your district/charter school policies.
- 3. Train your staff to recognize and report "red flags" of disability harassment and to report incidents to their appropriate supervisors.
- 4. Districts/Charter schools MUST HAVE A ZERO TOLERANCE for harassment.

 Harassment not only creates a hostile environment but it can have a lifetime impact on students.
- 5. Districts/Charter schools are responsible to take **PREVENTIVE** steps to decrease the possibility of these issues arising in the first place.
- 6. Hold annual trainings on the global issues of disability discrimination and harassment and cover:
 - Craft anti-bullying policies that comply with federal civil rights laws.
 - Incorporate references to the regulatory language of Section 504, such as those pertaining to grievance procedures, in your anti-bullying policies and practices.
 - Recognize signs of harassment, such as:
 - a. Avoidance, withdrawal from outside activities, friends, and family members, self harm and/or socially isolated.
 - Dig Deeper into allegations of bullying
 - a. Don't stop investigating just because the alleged bully says that they did not bully anyone.
 - Report bullying behavior and complaints to supervisors.
 - a. Train cafeteria workers, janitors, teachers, principals, etc. to "Report Up" to a supervisor because the supervisor may be betterversed in the civil rights laws.
 - Regardless of the whether the student is the bully or the victim; involve the student's child student team.
 - a. The team is often most knowledgeable about the child and their specific disability issues.
 - b. These professionals are often experience in having difficult conversations with parents of students with disabilities.



Adapted and condensed from: School Law News, January 2011